

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**KENT GARVEY, on behalf of himself
and others similarly situated,**

V.

CIVIL ACTION NO. 04-10438-RGS

**JAMES ARKOOSH and
DIOMED HOLDINGS, INC.**

ORDER OF DISMISSAL

STEARNS, DJ.

FEBRUARY 15, 2005

**IN ACCORDANCE WITH THIS COURT'S MEMORANDUM AND ORDER
ON DEFENDANTS' MOTION TO DISMISS DATED FEBRUARY 4, 2005,**

**IT IS HEREBY ORDERED: THE ABOVE-CAPTIONED ACTION IS
HEREBY DISMISSED WITH PREJUDICE.**

SO ORDERED.

BY:

**RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE**

**/s/ Mary H. Johnson
Deputy Clerk**